

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, NOVEMBER 5, 2002
COUNTY COMMISSIONERS CHAMBERS, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Bob Workman, Chair
Bernie Heier, Vice Chair
Kathy Campbell
Larry Hudkins
Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Trish Owen, Chief Deputy County Clerk
Diane Staab, Deputy County Attorney
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was convened at 1:30 p.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, October 29, 2002. (A copy of these minutes is on file in the office of the Lancaster County Clerk or can be accessed at <http://www.ci.lincoln.ne.us>)

MOTION: Hudkins moved and Stevens seconded approval of the minutes of the Board of Commissioners meeting dated October 29, 2002. Campbell, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

- 2) **SPECIAL PRESENTATIONS:**

- A. **Induction of members into the Star City Super Star Hall of Fame - Sandi Witkowicz and Sheila O'Connor, Lincoln-Lancaster Convention and Visitors Bureau.**

Sandi Witkowicz, Lincoln-Lancaster Convention and Visitors Bureau, appeared and stated that Steve Johnsen, Executive Director of the Nebraska Coaches Association, was being inducted into the Star City Super Stars Hall of Fame. She explained that Johnsen was responsible for organizing the Multi-Sports Clinic, with attendance exceeding 2,300 for the 2002 event.

2) **SPECIAL PRESENTATIONS CONTINUED:**

Witkowitz introduced inductee, Michael Veak, Executive Director of the Nebraska Music Educators Association (NMEA). She explained that Veak has been instrumental in bringing approximately 2,300 individuals to Lincoln annually for the NMEA conference.

The Clerk read a proclamation into the record.

MOTION: Campbell moved and Heier seconded approval of a proclamation inducting Michael Veak, Executive Director of the Nebraska Music Educators Association, and Steve Johnsen, Executive Director of the Nebraska Coaches Association, to the Star City Super Stars Hall of Fame. Heier, Campbell, Stevens, Hudkins and Workman voted aye. Motion carried.

3) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

4) **CLAIMS FOR REVIEW:**

A. Payment Voucher 805-0442, dated October 22, 2002 - Nebraska Health and Human Services has requested payment totaling \$17,160 for acute intake/evaluation.

MOTION: Heier moved and Campbell seconded denial of Payment Voucher 805-0442, dated October 22, 2002, to Nebraska Health and Human Services, in the amount of \$17,160, for acute intake/evaluation.

In response to a question asked by Stevens, Kerry Eagan, Chief Administrative Officer, stated the issue had not been resolved.

ROLL CALL: Workman, Hudkins, Campbell, Stevens and Heier voted aye. Motion carried.

5) **CLAIMS:** **Approval of all claims processed through Tuesday, November 5, 2002.**

MOTION: Hudkins moved and Campbell seconded approval of all claims processed through November 5, 2002. Hudkins, Stevens, Workman, Heier and Campbell voted aye. Motion carried.

6) **OLD BUSINESS:**

- A. Exchange of properties and execution of deeds for County properties legally described as Lot 111, Irregular Tract located in the southwest quarter of Section 35, Township 10 North, Range 6 East of the 6th Prime Meridian, Lincoln, Lancaster County, Nebraska and 1309 "M" Street, Original Plat, Block 90, Lots 4 through 6 in exchange of properties owned by B & J Partnership, LTD., located at 902 "K" Street and 400 South 9th Street. (C-02-0545 and C-02-0546)

Ed Tricker, attorney representing R H Rogers Investment Co., appeared and reiterated their objection to the proposed transaction.

Diane Staab, Deputy County Attorney, recommended that the County Board deny the exchange of properties and not execute the deeds.

MOTION: Hudkins moved and Stevens seconded to accept the recommendation from the County Attorney's office and deny the exchange of properties and to not execute the deeds. Stevens, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

7) **NEW BUSINESS:**

- A. A grant contract with Capital Sports Foundation for an eight week summer sports program for up to 12 youth identified as high risk in the fifth and sixth grades. The term of the agreement is from June 3, 2002 to August 31, 2002. The County shall pay \$8,500 for the services. (C-02-0548)

MOTION: Heier moved and Campbell seconded approval of a grant contract with Capital Sports Foundation for an eight week summer sports program for up to 12 youth identified as high risk in the fifth and sixth grades. The term of the agreement is from June 3, 2002 to August 31, 2002. The County shall pay \$8,500 for the services. Heier, Workman, Hudkins, Campbell and Stevens voted aye. Motion carried.

7) **NEW BUSINESS CONTINUED:**

- B. An agreement for legislative and lobbying services with Kissel/E & S Associates for services related to representing Lancaster County before the Nebraska Unicameral. The term of the agreement is for two years from November 1, 2002 to October 31, 2004. The County shall pay \$46,000 per year. (C-02-0549)**

MOTION: Heier moved and Campbell seconded approval of an agreement for legislative and lobbying services with Kissel/E & S Associates for services related to representing Lancaster County before the Nebraska Unicameral. The term of the agreement is for two years from November 1, 2002 to October 31, 2004. The County shall pay \$46,000 per year.

Hudkins stated he would support the motion, however, he voiced concern regarding an increase in cost to the County.

Campbell stated she conducted an evaluation of Gordon Kissel by surveying the Lancaster County Senators. She stated all but one of the senators urged the County Board to retain his services.

ROLL CALL: Campbell, Stevens, Workman, Heier and Hudkins voted aye.
Motion carried.

- C. An agreement with Sericycle, Inc. for the removal and disposal of biomedical waste at the Juvenile Detention Center. The term of the agreement is two years from the date of execution and the County will pay \$30 per month for services four times a year. (C-02-0550)**

MOTION: Heier moved and Campbell seconded approval of an agreement with Sericycle, Inc. for the removal and disposal of biomedical waste at the Juvenile Detention Center. The term of the agreement is two years from the date of execution and the County will pay \$30 per month for services four times a year. Heier, Workman, Stevens, Campbell and Hudkins voted aye. Motion carried.

7) **NEW BUSINESS CONTINUED:**

D. A contract with Segal Advisors for consulting services relating to the current Lancaster County Employee Pension Plan, in the amount of \$10,000 for Phase I which includes all expenses. (C-02-0551)

MOTION: Campbell moved and Stevens seconded approval of a contract with Segal Advisors for consulting services relating to the current Lancaster County Employee Pension Plan, in the amount of \$10,000 for Phase I which includes all expenses.

Staab recommended the contract be approved subject to amending language in the indemnification clause stipulating that Segal Advisors will hold the County harmless for any damages arising out of the consultant's performance.

Kerry Eagan, Chief Administrative Officer, noted that approval should also be subject to receipt of signed originals.

Both the maker of the motion and the seconder accepted the stipulations.

ROLL CALL: Stevens, Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

E. A program agreement with the State of Nebraska, Department of Roads for Project Number BR-3280(3), Sprague East, Lancaster County Bridge Number T-109. The agreement requires the County to earmark \$88,200 which is 20 percent of the estimated cost of the project. The Federal share shall be 80 percent of the estimated costs. The State has the responsibility of the construction of the project. (C-02-0552)

MOTION: Campbell moved and Stevens seconded approval of a program agreement with the State of Nebraska, Department of Roads for Project Number BR-3280(3), Sprague East, Lancaster County Bridge Number T-109. The agreement requires the County to earmark \$88,200 which is 20 percent of the estimated cost of the project. The Federal share shall be 80 percent of the estimated costs. The State has the responsibility of the construction of the project. Workman, Campbell, Hudkins, Stevens and Heier voted aye. Motion carried.

7) NEW BUSINESS CONTINUED:

F. A program agreement with the State of Nebraska, Department of Roads for Project Number STPAA-BR-5201(1), Raymond South (Northwest 48th Street), Lancaster County Bridge Number F-44. The agreement requires the County to earmark \$218,920 which is 20 percent of the estimated cost of the project. The State is responsible for the project and the Federal government is responsible for 80 percent of the estimated cost of the project. (C-02-0553)

MOTION: Hudkins moved and Stevens seconded approval of a program agreement with the State of Nebraska, Department of Roads for Project Number STPAA-BR-5201(1), Raymond South (Northwest 48th Street), Lancaster County Bridge Number F-44. The agreement requires the County to earmark \$218,920 which is 20 percent of the estimated cost of the project. The State is responsible for the project and the Federal government is responsible for 80 percent of the estimated cost of the project. Hudkins, Workman, Heier, Campbell and Stevens voted aye. Motion carried.

G. Approval of application, assurances and certifications for the Fiscal Year 2002 State Domestic Preparedness Grant Program for the State of Nebraska. The grant was passed from the Federal level to the State level and applications must be submitted to the State which is charged with administration of the grant funds. Funds received shall assist in the implementation of strategies developed locally to address domestic preparedness while maintaining compatibility with statewide strategies for domestic preparedness.

MOTION: Heier moved and Campbell seconded approval of application, assurances and certifications for the Fiscal Year 2002 State Domestic Preparedness Grant Program for the State of Nebraska. The grant was passed from the Federal level to the State level and applications must be submitted to the State which is charged with administration of the grant funds. Funds received shall assist in the implementation of strategies developed locally to address domestic preparedness while maintaining compatibility with statewide strategies for domestic preparedness. Campbell, Heier, Stevens, Workman and Hudkins voted aye. Motion carried.

7) **NEW BUSINESS CONTINUED:**

H. A political subdivision tort claim filed against the Lancaster County Corrections Department by Cullen Birdine for lost property, in the amount of \$2.

MOTION: Campbell moved and Heier seconded to accept the Director's recommendation and deny the political subdivision tort claim filed against the Lancaster County Corrections Department by Cullen Birdine for lost property, in the amount of \$2. Hudkins, Campbell, Stevens, Heier and Workman voted aye. Motion carried.

I. A request from Mousetrap Inc. d/b/a Brass Rail for a refund on the overpayment of 2001 personal property taxes, in the approximate amount of \$133.54.

MOTION: Campbell moved and Heier seconded approval of a request from Mousetrap Inc. d/b/a Brass Rail for a refund on the overpayment of 2001 personal property taxes, in the approximate amount of \$133.54. Campbell, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

8) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

The Clerk noted that Commissioner Heier asked that Consent Item 8B(5) and 8B(1) be voted on separately.

B. Setting of a public hearing for Tuesday, November 26, 2002 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding the Comprehensive Plan Amendments:

5. Comprehensive Plan Amendment Number 02002.4, requested by Kent Seacrest on behalf of Connie Heier and Patricia Slaughter, to amend the 2025 Lincoln-Lancaster County Comprehensive Plan to change 215 acres from Agriculture to Low Density Residential, on property generally located at South 112th to 120th Streets, south of Old Cheney Road.

8) **CONSENT ITEMS CONTINUED:**

MOTION: Hudkins moved and Stevens seconded to set a public hearing for Tuesday, November 26, 2002 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding Comprehensive Plan Amendment Number 02002.4. Campbell, Stevens, Hudkins and Workman voted aye. Heier abstained. Motion carried.

B. Setting of a public hearing for Tuesday, November 26, 2002 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding the Comprehensive Plan Amendments:

1. Comprehensive Plan Amendment Number 02001, requested by the Director of Planning, to amend the 2025 Lincoln-Lancaster County Comprehensive Plan sections regarding land use, transportation, parks and recreation and utilities, to reflect the needed improvements to serve the E-3 subarea generally located between 84th and 120th Streets, from south of Pioneers Boulevard to "O" Street, as inside the Future Service Limit.

MOTION: Hudkins moved and Campbell seconded approval of setting a public hearing for Tuesday, November 26, 2002 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding Comprehensive Plan Amendment Number 02001. Workman, Hudkins, Campbell and Stevens voted aye. Heier abstained from voting. Motion carried.

A. Receive and Place on File:

- 1. County Treasurer's Distress Warrants for Fiscal Year 2001.**
- 2. Notice of termination relating to a lease agreement with BryanLGH Medical Center.**

B. Setting of public hearings for Tuesday, November 26, 2002 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding the Comprehensive Plan Amendments:

8) CONSENT ITEMS CONTINUED:

2. Comprehensive Plan Amendment Number 02001.A, requested by the Realty Trust Group, to amend the 2025 Lincoln-Lancaster County Comprehensive Plan to change the designation from Agriculture to Urban Residential and Commercial uses, on property generally located at the northeast corner of 84th and Van Dorn Streets.

3. Comprehensive Plan Amendment Number 02001.B, requested by the Realty Trust Group, to amend the 2025 Lincoln-Lancaster County Comprehensive Plan to change the designation from Agriculture to Urban Residential and Commercial uses, on property generally located at the southeast corner of 84th and South Streets.

4. Comprehensive Plan Amendment Number 02002.2, requested by the University of Nebraska-Lincoln, to amend the 2025 Lincoln-Lancaster County Comprehensive Plan to modify the land use designation for the Downtown Campus and the East Campus area to reflect current boundaries and future expansion of the University.

5. Comprehensive Plan Amendment Number 02002.4, requested by Kent Seacrest on behalf of Connie Heier and Patricia Slaughter, to amend the 2025 Lincoln-Lancaster County Comprehensive Plan to change 215 acres from Agriculture to Low Density Residential, on property generally located at South 112th to 120th Streets, south of Old Cheney Road.

6. Comprehensive Plan Amendment Number 02002.8, requested by Arvid and Wava Wunderlich and Cornhusker Energy Lexington, L.L.C., to amend the 2025 Lincoln-Lancaster County Comprehensive Plan to change 140 acres from Agriculture and Agriculture Stream Corridor to Industrial, on property generally located at North 162nd Street and Highway 6.

7. Comprehensive Plan Amendment Number 02002.9, requested by the Lancaster County Agricultural Society, to amend the 2025 Lincoln-Lancaster County Comprehensive Plan to change 10 to 12 acres of Public/Semi-Public and Greenspace to Commercial, on property generally located at the southeast corner of North 84th Street and Havelock Avenue.

8) CONSENT ITEMS CONTINUED:

8. Comprehensive Plan Amendment Number 02002.11, requested by Brian D. Carstens and Associates on behalf of Krein Real Estate, to amend the 2025 Lincoln-Lancaster County Comprehensive Plan to change property from Public and Semi-Public to Commercial, generally located approximately one block southeast of South 70th Street and "O" Street.

9. Comprehensive Plan Amendment Number 02002.12, requested by J. Michael Rierden on behalf of Lincoln Federal Savings Bank, to amend the 2025 Lincoln-Lancaster County Comprehensive Plan to move the Community Center designation to one-half mile north of 40th Street and Rokeby Road, and to designate a new commercial Neighborhood Center generally southeast of South 27th Street and Yankee Hill Road.

10. Comprehensive Plan Amendment Number 02002.14, requested by Kent Seacrest on behalf of Land Construction, Inc., to amend the 2025 Lincoln-Lancaster County Comprehensive Plan to change 257 acres from Commercial to Industrial, on property generally located at Southwest 56th Street, south of "O" Street.

11. Comprehensive Plan Amendment Number 02003, requested by the Director of Planning at the request of the Director of Parks and Recreation, to amend the "*Future Conditions: Parks, Recreation and Open Space*" section of the 2025 Lincoln-Lancaster County Comprehensive Plan to correct the text regarding the description of neighborhood parks relating to the number of acres comprising a typical neighborhood park site.

MOTION: Stevens moved and Hudkins seconded approval of Consent Items 8A, 8B(2) through 8B(4) and 8B(6) through 8B(11). Stevens, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

9) **ADJOURNMENT:**

MOTION: Heier moved and Stevens seconded adjournment of the Board of Commissioners meeting at 2:05 p.m. Hudkins, Stevens, Workman, Heier and Campbell voted aye. Motion carried.

Patricia Owen
Chief Deputy County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, NOVEMBER 5, 2002
COUNTY COMMISSIONERS CHAMBERS, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Bob Workman, Chair
Bernie Heier, Vice Chair
Kathy Campbell
Larry Hudkins
Ray Stevens

Others Present: Norm Agena, County Assessor
Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Trish Owen, Chief Deputy County Clerk
Diane Staab, Deputy County Attorney
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was convened at 2:05 p.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, October 29, 2002. (A copy of these minutes is on file in the office of the Lancaster County Clerk.)

MOTION: Heier moved and Stevens seconded approval of the minutes of the Board of Equalization meeting dated October 29, 2002. Campbell, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

- 2) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

- 3) **MOTOR VEHICLE TAX EXEMPTIONS:**

BryanLGH Medical Center
Developmental Services of Nebraska, Inc.
Martin Luther Homes Center, Inc.

MOTION: Heier moved and Hudkins seconded approval of the motor vehicle tax exemptions. Stevens, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

4) **APPEAL FILED ON LATE FILING PENALTY FOR THE FOLLOWING:**

Mark E. Mundt

Norm Agena, County Assessor, explained that the personal property schedule was mailed in seven days late. Recommendation was to deny the appeal.

MOTION: Campbell moved and Hudkins seconded to accept the County Assessor's recommendation and deny the appeal filed on a late filing penalty on personal property for Mark E. Mundt. Hudkins, Stevens, Workman, Heier and Campbell voted aye. Motion carried.

5) **NOTICE OF VALUATION CHANGE FOR OMITTED OR UNDERVALUED PROPERTY FOR A & E INC.:**

Agena recommended that the value be reduced from \$300,934 to \$283,900.

MOTION: Hudkins moved and Campbell seconded to accept the County Assessor's recommendation and set the new value at \$283,900 for A & E, Inc. Hudkins, Stevens, Campbell, Workman and Heier voted aye. Motion carried.

6) **ADJOURNMENT:**

MOTION: Heier moved and Hudkins seconded adjournment of the Board of Equalization meeting at 2:07 p.m. Stevens, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

Patricia Owen
Chief Deputy County Clerk